

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Casados	Team: Team # 5	CCRB Case #: 201309305	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/29/2013 10:00 AM	Location of Incident: § 87(2)(b) and at § 87(2)(b) and § 87(2)(b)	Precinct: 114	18 Mo. SOL 3/29/2015	EO SOL 3/29/2015	
Date/Time CV Reported Fri, 10/04/2013 10:03 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 10/04/2013 10:03 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joel Rosenthal	03234	946197	114 PCT
2. POM John Glynn	13549	925357	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Gigante	09739	949025	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Glynn	Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, PO John Glynn spoke rudely to § 87(2)(b)	§ 87(2)(b)
B.POM John Glynn	Abuse: At § 87(2)(b) in Queens, PO John Glynn threatened to seize § 87(2)(b)'s property.	§ 87(2)(b)
C.SGT Joel Rosenthal	Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel Rosenthal spoke rudely to § 87(2)(b)	§ 87(2)(b)
D.SGT Joel Rosenthal	Abuse: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel Rosenthal threatened to arrest § 87(2)(b) Nicholas § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

### Case Summary

On Oct. 4, 2013, § 87(2)(b) filed this complaint via email with the CCRB (encl. 5).

On Sept. 29, 2013, at about 10 a.m., officers from the 114<sup>th</sup> Precinct stopped a group of motorcycle students at § 87(2)(b) and § 87(2)(b) in Queens. During the stop, § 87(2)(b) fled and officers went to § 87(2)(b) to catch him. The following allegations resulted:

- **Allegation A – Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, PO John Glynn spoke rudely to § 87(2)(b) § 87(2)(g)**  
§ 87(2)(b)  
§ 87(2)(b)
- **Allegation B – Abuse of Authority: At § 87(2)(b) in Queens, PO John Glynn threatened to seize § 87(2)(b) s property. § 87(2)(g)**  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- **Allegation C – Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel Rosenthal spoke rudely to § 87(2)(b) § 87(2)(g)**  
§ 87(2)(b)  
§ 87(2)(b)
- **Allegation D – Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel Rosenthal threatened to arrest § 87(2)(b) and § 87(2)(b) § 87(2)(g)**  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) a Hispanic man, 5'8" tall, 145 pounds, with black hair and brown eyes, was § 87(2)(b) years old at the time of the incident. § 87(2)(b)  
§ 87(2)(b)

##### CCRB Statement

§ 87(2)(b) emailed a statement to the CCRB on Oct. 4, 2013 (encl. 5). He provided a telephone statement on Oct. 10, 2013 (encl. 7). He was interviewed at the CCRB on Nov. 8, 2013 (encl. 8) § 87(2)(g)  
§ 87(2)(b)

On Sept. 29, 2013, at about 10 a.m., § 87(2)(b) was at work at § 87(2)(b), located at § 87(2)(b) in Queens. § 87(2)(b)

§ 87(2)(b) The employees of the school fix Harley Davidson-type motorcycles and teach students how to ride them. The business has an open yard and an office building. § 87(2)(b) was in the yard fixing a motorcycle when another employee, § 87(2)(b) drove into the yard on a motorcycle. § 87(2)(b) told § 87(2)(b) that another employee, § 87(2)(b) had been pulled over about a block away at the corner of § 87(2)(b) and § 87(2)(b) while teaching students how to ride. (In his phone statement, § 87(2)(b) referred to § 87(2)(b) as § 87(2)(b) and in his interview statement, he referred to him as § 87(2)(b) § 87(2)(b). The investigation determined that § 87(2)(b) s last name is actually § 87(2)(b)

A black, unmarked police car arrived and parked in front of the yard entrance. A uniformed

officer stepped out of the driver's seat. § 87(2)(b) read his nameplate, which said, "Glynn." § 87(2)(b) described PO Glynn as a white man, 5'8" tall, 230 pounds, in his 30s, with short blond hair. (The investigation identified this officer as PO John Glynn from the 114<sup>th</sup> Precinct.)

PO Glynn told § 87(2)(b) to provide his license so he could cite him for riding a motorcycle without a helmet and license plates. § 87(2)(b) provided his license. PO Glynn told § 87(2)(b) to provide the registration and proof of insurance for every motorcycle that belonged to the school. PO Glynn told § 87(2)(b) that if he did not provide the paperwork for all the motorcycles, then the bikes would be impounded. § 87(2)(b) went inside the office and gathered the paperwork for the insured, operational motorcycles, which he then turned over to PO Glynn along with two or three PBA cards from officers who were former students of the school. PO Glynn told § 87(2)(b) to bring the motorcycle § 87(2)(b) had been riding to § 87(2)(b) and § 87(2)(b) and PO Glynn drove back there.

§ 87(2)(b) left § 87(2)(b) at the school and walked with the motorcycle (a blue Kawasaki) to the corner. While § 87(2)(b) was walking, he called PO Ronald Robinson from the 114<sup>th</sup> Precinct. PO Robinson was one of the officers whose PBA cards § 87(2)(b) had provided. When § 87(2)(b) arrived at the corner, PO Robinson asked to talk with PO Glynn. § 87(2)(b) approached PO Glynn in his vehicle and told him PO Robinson was on the phone. PO Glynn told § 87(2)(b) to stand on the sidewalk. § 87(2)(b) walked to the sidewalk and ended his call.

While at PO Glynn's vehicle, § 87(2)(b) noticed that another officer with sergeant's stripes on his uniform sleeve was seated in the front passenger seat. § 87(2)(b) described this officer as a white man with short black hair, glasses, in his 40s, and weighing over 250 pounds. § 87(2)(b) during the course of the incident, read the officer's nameplate, which said, "Rosenthal." (The investigation identified this officer as Sgt. Joel Rosenthal from the 114<sup>th</sup> Precinct.)

§ 87(2)(b) stood with § 87(2)(b) and the two students who were stopped, § 87(2)(b) and § 87(2)(b) observed that § 87(2)(b) did not have a helmet and that § 87(2)(b)'s helmet was missing the face shield. § 87(2)(b) told § 87(2)(b) that he and the students had already provided their licenses to the officers and that they were told they were stopped for having improper gear and for riding without supervision.

§ 87(2)(b) called § 87(2)(b) and told him what was going on. After the call, § 87(2)(b) walked back to the school to find out why § 87(2)(b) had not arrived at the corner. When § 87(2)(b) arrived at the school, § 87(2)(b) was not there. A female worker inside the office told § 87(2)(b) that § 87(2)(b) had taken off.

§ 87(2)(b) walked back to the corner. There were now more officers there and about three marked police cars. One of the marked police cars drove toward the school with its lights on.

At some point, § 87(2)(b) arrived. § 87(2)(b) was not sure when § 87(2)(b) arrived because § 87(2)(b) told him about § 87(2)(b) fleeing and § 87(2)(b) drove to the school to look for him. Thus, § 87(2)(b) was not sure at what point § 87(2)(b) arrived, left for the school, and came back.

PO Glynn placed § 87(2)(b) in handcuffs and arrested him for § 87(2)(b). § 87(2)(b) assumed the marked police car that had driven toward the school had discovered § 87(2)(b) had fled and then radioed this information to Sgt. Rosenthal because Sgt. Rosenthal got out of his police car and approached § 87(2)(b). Sgt. Rosenthal told § 87(2)(b) "I don't give a fuck who you think you are or who you know. I'm going to arrest you and all of your students if you don't bring me § 87(2)(b) back." In the interview, § 87(2)(b) repeated the statement as, "I don't give a fuck who you think you are or who you know. I'm going to arrest you and your students if you don't bring back § 87(2)(b) in five minutes." In his telephone statement, § 87(2)(b) reported the statement as, "I don't give a fuck who you are. I'm gonna lock you all up if you don't bring me § 87(2)(b) in five minutes." In his email statement, § 87(2)(b) reported the statement as, "I don't care who the fuck you think you are, I'm gonna lock [up] you and your

students and [your] coworker if you don't bring me § 87(2)(b) in five minutes."

§ 87(2)(b) told Sgt. Rosenthal that he was not in charge of § 87(2)(b) and that there was no need to curse at him in front of the students. § 87(2)(b) asked Sgt. Rosenthal what the charge would be if he arrested him. Sgt. Rosenthal did not respond to the question but again told § 87(2)(b) to call § 87(2)(b) and to lie to him and tell him to come back for his license, but admitted to § 87(2)(b) that § 87(2)(b) would be arrested upon his return. Sgt. Rosenthal walked away.

§ 87(2)(b) thought the students, § 87(2)(b) and PO Glynn overheard Sgt. Rosenthal's remarks. § 87(2)(b) further said the incident happened in front of § 87(2)(b), and he noticed that a security guard, whose name he did not know, was standing by the business' entrance. § 87(2)(b) described the security guard as a Hispanic man dressed in a white shirt and tie. (The investigation identified the security guard as § 87(2)(b))

§ 87(2)(b) called § 87(2)(b) about five times but he did not answer. § 87(2)(b) told Sgt. Rosenthal that § 87(2)(b) was not answering. At about this point, § 87(2)(b) was certain that § 87(2)(b) arrived. Sgt. Rosenthal told § 87(2)(b) that he needed to bring § 87(2)(b) back and that he could do it since he was his employer. § 87(2)(b) asked Sgt. Rosenthal to have his boss come to the scene. Sgt. Rosenthal responded that he was the one in charge and then walked back to his vehicle. A short while later, Sgt. Rosenthal approached § 87(2)(b) again and told him to provide his license, which § 87(2)(b) did. Sgt. Rosenthal returned to his vehicle.

The civilians waited around for a long time while the officers filled out paperwork. PO Glynn then handed § 87(2)(b) and the students summonses. PO Glynn told § 87(2)(b) he was being summonsed for not supervising the students and he told the students they were being summonsed for improper gear. PO Glynn told the students that they should make the instructors pay for the summonses since they had provided inadequate service.

The officers left and an unidentified uniformed officer rode the blue Kawasaki toward the 114<sup>th</sup> Precinct stationhouse. § 87(2)(g) § 87(2)(b) described him as a slim white man in his late 20s or early 30s, about 5'8" tall, and had on a white helmet. § 87(2)(b) went to the 114<sup>th</sup> Precinct stationhouse. To § 87(2)(b)'s knowledge, the officers did not return the blue Kawasaki to § 87(2)(b) at that time.

Later in the day, § 87(2)(b) called the 114<sup>th</sup> Precinct stationhouse and spoke with an unidentified officer and asked for PO Glynn and Sgt. Rosenthal's tax identification numbers. The officer provided § 87(2)(b) with the numbers. § 87(2)(b) wrote them down but he did not bring that information with him to the CCRB.

At the CCRB, § 87(2)(b) provided a copy of the summons he was given and copies of the summonses § 87(2)(b) was given. § 87(2)(b) did not know which officer wrote the summonses.

#### **Photographs Taken by § 87(2)(b)**

During the incident, § 87(2)(b) took two photos with his iPhone. One is of § 87(2)(b) standing beside Sgt. Rosenthal in the passenger seat of his police vehicle and the other is of PO Glynn standing with § 87(2)(b) after he had been rear-handcuffed (encl. 8G-8H).

#### **Victim: § 87(2)(b)**

- § 87(2)(b) a Hispanic man, 6' tall, 211 pounds, with black hair and brown eyes, was § 87(2)(b) years old at the time of the incident. § 87(2)(b)

§ 87(2)(b)

#### **CCRB Statement**

§ 87(2)(b) provided a phone statement on Nov. 18, 2013 (encl. 10). He was interviewed at the CCRB on Nov. 19, 2013 (encl. 11). § 87(2)(g)

§ 87(2)(g)

On Sept. 29, 2013, at about 10 a.m., § 87(2)(b) went to § 87(2)(b) to learn how to ride motorcycles. § 87(2)(b) did not learn anyone's name in this incident. Another student came to the school as well, and § 87(2)(b) described him as a 6'1" tall bald white man. (The investigation identified this student as § 87(2)(b))

§ 87(2)(b) and § 87(2)(b) were given motorcycles, learner's permits, motorcycle gear, and reflective vests. An instructor then took them to § 87(2)(b) which is a dead-end street about a block away from the school. § 87(2)(b) described the first instructor as a slim Hispanic man with long hair. (The investigation identified this instructor as § 87(2)(b) § 87(2)(b) told the students to ride up and down the dead-end street for practice. A short while later, a second instructor arrived on a motorcycle. § 87(2)(b) described the second instructor as a heavysset Hispanic man. (The investigation identified the second instructor as § 87(2)(b) While practicing, § 87(2)(b)'s helmet shield became foggy so he rode with it raised from thereon.

Then, while § 87(2)(b) was near the dead-end of § 87(2)(b) he observed § 87(2)(b) ride away toward the school and he never returned. § 87(2)(b) did not know what prompted § 87(2)(b) departure, but right after he left, an unmarked police car turned onto the dead-end street. At this time, § 87(2)(b) and § 87(2)(b) were at the other end of the block and the officers stopped their vehicle by them. § 87(2)(b) noticed that two uniformed officers had gotten out of the vehicle and were talking to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) rode toward the officers and stopped his motorcycle about 15 feet away from § 87(2)(b) and § 87(2)(b). One of the officers walked up to § 87(2)(b) and § 87(2)(b) described this officer as a white man with short curly blond hair, about 6'1" tall, heavysset, weighing 250 pounds, and in his early to mid-30s. (The investigation identified this officer as PO Glynn.) § 87(2)(b) stated that the other officer who was out of the car had a similar height and weight to that of PO Glynn but he appeared to be in his mid- to late 20s and he had black hair. § 87(2)(b) did not notice a third officer at this point, but § 87(2)(b) indicated that Sgt. Rosenthal arrived shortly thereafter. (Thus the investigation determined that the second officer was most likely PO Nicholas Gigante.)

PO Glynn told § 87(2)(b) that his license plate reflectors were inadequate. PO Glynn asked § 87(2)(b) who had been supervising him. § 87(2)(b) pointed at § 87(2)(b) PO Glynn responded, "Don't fucking tell me that because he was nowhere near you. He could not fucking see you. He was all the way over there." In the interview, § 87(2)(b) repeated PO Glynn's statement as, "Don't fucking tell me that. That guy wasn't anywhere fucking near you. He was all the way off to the side. He could not have fucking seen you from where he was." In his phone statement, § 87(2)(b) alleged PO Glynn said, "What the fuck are you doing?" and then said, "Don't fucking tell me that. He couldn't even fucking see you where you were."

§ 87(2)(b) did not know if anyone heard PO Glynn's profanities. PO Glynn requested § 87(2)(b)'s identification, and § 87(2)(b) provided it.

The manager of the driving school then arrived on foot. § 87(2)(b) described the manager as a 5'6" tall Hispanic man with spikey dark hair. (The investigation identified the manager as § 87(2)(b) § 87(2)(b) walked up to PO Gigante and PO Glynn, identified himself as the school manager, and handed the officers some paperwork.

At about this point, a second unmarked police car arrived and stopped beside the first unmarked car. There were two or three uniformed white male officers in the second police car. § 87(2)(b) could only describe one of these additional officers in detail, which was the front passenger who ultimately came out of the car. § 87(2)(b) described him as a heavysset white man with dark hair in his mid-40s, 6'4" tall, and was the tallest officer on scene. (The investigation identified this officer as Sgt. Rosenthal.) § 87(2)(b) did not notice from which direction the second police car had arrived.

Right away, Sgt. Rosenthal came out of the passenger seat and approached § 87(2)(b) and yelled at him. Sgt. Rosenthal said, “Where the fuck is so and so? Get him here right now. If he is not here in the next five fucking minutes I’m hauling all their asses to jail.” § 87(2)(b) in the interview, said that Sgt. Rosenthal did not say “so and so” but had said the name of the instructor who had left but § 87(2)(b) could no longer recall that instructor’s name. In the interview, § 87(2)(b) repeated Sgt. Rosenthal’s statement as, “Where the fuck is so and so? Get him here right now or I’m hauling all your fucking asses to jail.” In his phone statement, § 87(2)(b) alleged that Sgt. Rosenthal’s statement was, “Where the fuck is so and so? If he is not here in five minutes, I’m going to arrest all of you right now.” Over the phone, § 87(2)(b) repeated the statement as, “Where the fuck is so and so? He better get here in five minutes or I’m going to take all your asses to jail right fucking now.”

§ 87(2)(b) told Sgt. Rosenthal that he did not need to talk to him like that. Sgt. Rosenthal responded to § 87(2)(b) “Don’t tell me how to fucking talk to you.” § 87(2)(b) called the school and someone there told § 87(2)(b) that he or she had tried to call § 87(2)(b) but he was not answering.

The owner of the school § 87(2)(b) then arrived. § 87(2)(b) and § 87(2)(b) spoke with Sgt. Rosenthal. By this point, Sgt. Rosenthal had calmed down. At first in his statement, § 87(2)(b) said he overheard Sgt. Rosenthal say to § 87(2)(b) and § 87(2)(b) “What the fuck are you doing here? You have unlicensed instructors.” § 87(2)(b) then said that when Sgt. Rosenthal spoke with § 87(2)(b) and § 87(2)(b) he was out of earshot, and he maintained that after the owner had arrived the tone of the situation had deescalated and no further profanities were used.

The civilians stood off to the side while the officers wrote summonses.

PO Glynn handcuffed § 87(2)(b) and put him in one of the police vehicles. § 87(2)(b) observed a white male officer in uniform, about 5’5” tall, in his early 30s, riding away on the motorcycle § 87(2)(b) had been riding. § 87(2)(b) did not know from where the officer had obtained the motorcycle.

An officer – whom § 87(2)(b) described as a white man in uniform, in his late 30s, with dark hair – handed him two summonses, § 87(2)(b). § 87(2)(b) did not know which officer had written his summonses. § 87(2)(b) was also given a summons. PO Glynn changed his tone toward the students and told them that the summonses were not their fault, that they were the school’s fault, and that they should sue the school. Everyone left.

Following the incident, § 87(2)(b) mailed in the summonses. § 87(2)(b)

At the end of the interview, § 87(2)(b) was shown a photograph that § 87(2)(b) had taken during the incident (encl. 8G-8H). § 87(2)(b) stated that the officer in the photo was the officer whom he had earlier described as the blond, curly haired officer (PO Glynn), and the civilian was the instructor who was arrested § 87(2)(b)

**Victim:** § 87(2)(b)

- § 87(2)(b) a white man, was § 87(2)(b) at the time of the incident. The rest of his pedigree information was not obtained because he was not interviewed in-person. § 87(2)(b)

**CCRB Statement**

§ 87(2)(b) provided a phone statement on Nov. 14, 2013, and agreed to be interviewed at the CCRB on Nov. 22, 2013 (encl. 9). The undersigned investigator called § 87(2)(b) the day

before his interview and at that time § 87(2)(b) stated that he did not want to proceed with the investigation (encl. 29G).

According to his phone statement, on Sept. 29, 2013, at about 10 a.m., § 87(2)(b) went to § 87(2)(b) for motorcycle lessons. Another student was there. § 87(2)(b) did not know his name but described him as a Hispanic man with a pony tail. Three instructors were at the school. § 87(2)(b) thought one of them was the manager and that his name was § 87(2)(b). He described § 87(2)(b) as a skinny Hispanic man with tattoos. § 87(2)(b) thought that another instructor was named § 87(2)(b) and he described him as a 5'9" tall Hispanic man. § 87(2)(b) did not know the third instructor's name but described him as a heavyset Hispanic man. (The investigation identified the other student as § 87(2)(b) the manager named § 87(2)(b) as § 87(2)(b) the instructor named § 87(2)(b) as § 87(2)(b) and the other instructor as § 87(2)(b) § 87(2)(b) and § 87(2)(b) took the students about a block away to practice on the dead-end street of § 87(2)(b).

On § 87(2)(b) § 87(2)(b) gave § 87(2)(b) and the other student instructions on how to ride, such as by telling them to ride in circles. Shortly thereafter, an unmarked police car drove up to the students. § 87(2)(b) saw the officers approaching and he rode away toward the school. § 87(2)(b) later learned § 87(2)(b) had a suspended license and assumed that was why he fled. Three uniformed officers were in the vehicle. The officer in the backseat got out and stayed with the students and § 87(2)(b) § 87(2)(b) described this officer as a 30-year-old Hispanic man with a heavy build. (The investigation identified the officer who was in the back of the police car as PO Gigante, who is a white man.) The other two officers drove after § 87(2)(b) § 87(2)(b).

PO Gigante told the students that their motorcycles did not have reflectors and that their gear was improper.

A short while later, the other two officers came back, and they had § 87(2)(b) license, but § 87(2)(b) was not with them. § 87(2)(b) described the officer who came out of the driver's seat as a white man with blond hair, in his 40s, and heavyset. He described the officer who came out of the passenger seat as a white man with black hair who was taller and weighed more than the driver, and § 87(2)(b) assumed that the passenger was a supervisor. (The investigation identified the driver as PO Glynn and the passenger as Sgt. Rosenthal.)

§ 87(2)(b) then arrived and handed paperwork to the officers. The paperwork was checked and the officers learned that § 87(2)(b) had a suspended license and he was arrested. § 87(2)(b) did not return. Sgt. Rosenthal seemed upset by this and he approached § 87(2)(b) and told him to bring § 87(2)(b) back because he was going to be placed under arrest. § 87(2)(b) attempted to calm down Sgt. Rosenthal, but Sgt. Rosenthal got more upset and told § 87(2)(b) "If you don't bring that guy over here I'm going to fucking arrest everybody. I'm going to take all the bikes away." § 87(2)(b) told Sgt. Rosenthal not to talk to him like that.

Afterward, another unmarked police car arrived with two more uniformed officers, and so did the owner of § 87(2)(b) § 87(2)(b). The officers issued § 87(2)(b) and § 87(2)(b) summonses, and § 87(2)(b) was placed under arrest. § 87(2)(b) at the time of the call, no longer had the summons. One of the officers – whom § 87(2)(b) described as a skinny white man with black hair, about 35 years old – rode one of the motorcycles away.

**Victim:** § 87(2)(b)

- § 87(2)(b) is a Hispanic man. § 87(2)(b) was not interviewed in-person because he stated that he did not witness any police misconduct and that he was not concerned with his blue Kawasaki being seized because he felt he could get it back at any time. § 87(2)(g)

### CCRB Statement

§ 87(2)(b) provided a phone statement on Nov. 15, 2013 (encl. 12).

On Sept. 29, 2013, at about 10 a.m., § 87(2)(b) drove toward § 87(2)(b). Right before getting there, however, he noticed that one of his instructors and two students were stopped at the corner of § 87(2)(b) and § 87(2)(b).

There were four or five police officers there. § 87(2)(b) stopped and various officers told him that another one of his instructors had fled the scene, that the instructor who was still there had a suspended license, and that the students were riding without their helmet visors down.

§ 87(2)(b) a third instructor, was there, too. One of the officers, § 87(2)(b) could not recall which one, told § 87(2)(b) and § 87(2)(b) to bring § 87(2)(b) back otherwise the motorcycle he had been riding would be taken. A white male officer with sergeant's stripes on his uniform sleeve who was about 6' tall was there when the statement was made. (This officer was identified by the investigation as Sgt. Rosenthal.) § 87(2)(b) could not recall if Sgt. Rosenthal was the one who made the statement. § 87(2)(b) and § 87(2)(b) tried to call § 87(2)(b) on the phone but he did not answer.

§ 87(2)(b) stated that when he was on scene, he did not hear an officer speak aggressively to anyone, including § 87(2)(b). § 87(2)(b) said the officers spoke professionally. § 87(2)(b) was given a summons but § 87(2)(b) did not know what it was for. § 87(2)(b) was placed under arrest for a suspended license, and the blue Kawasaki motorcycle that § 87(2)(b) had been riding was driven to the 114th Precinct stationhouse by an officer.

§ 87(2)(b) a while later, drove to the 114th Precinct stationhouse. There, he spoke with a white male officer in his 30s who was balding. § 87(2)(b) recognized that this officer had been at § 87(2)(b). § 87(2)(g) § 87(2)(b) told the officer that he was there for the motorcycle and the officer told him that he could not have it because they needed it. § 87(2)(b) accepted that and left.

At the time of the phone call, § 87(2)(b) said he had not gotten the motorcycle back. However, he said he was not interested in being listed as a victim in this case because he did not care about the motorcycle that was taken, and he felt he could get the motorcycle back if he wanted to.

### Witness: § 87(2)(b)

- § 87(2)(b) a Hispanic man, was § 87(2)(b) at the time of the incident. The rest of his pedigree information was not obtained because he was not interviewed in-person. § 87(2)(b)

### CCRB Statement

§ 87(2)(b) provided a phone statement on Nov. 26, 2013 (encl. 13). He agreed to be interviewed at the CCRB on Dec. 2, 2013, but did not arrive for that interview. The investigator called him on Dec. 3, 2013, and at that time § 87(2)(b) stated he did not want to proceed with this investigation (encl. 29I).

On Sept. 29, 2013, at about 10 a.m., § 87(2)(b) was an instructor at § 87(2)(b). He and another instructor whom he only knows as § 87(2)(b) § 87(2)(b) took three or four students to a dead-end street about one block away to teach them how to ride motorcycles. § 87(2)(g)

He said he was just working on motorcycles that day and was not instructing students but also said he rode with the students to the teaching spot and provided them with a few instructions.

An unmarked police car arrived. § 87(2)(b) was not clear about where he was when the police car arrived. He ultimately said, however, that he was on § 87(2)(b) and closer to the



driving school when the police car arrived and that the students and § 87(2)(b) were on the dead-end street. Once § 87(2)(b) saw the officers with § 87(2)(b) and the students, § 87(2)(b) rode back to the § 87(2)(b), where § 87(2)(b) was.

§ 87(2)(b) assumed that because the officers saw him riding away, they then drove toward him. Two officers arrived at the school and exited their vehicle. § 87(2)(b) described the driver as a white man with blond hair, and the passenger as a white man with black hair. (The investigation identified the driver as PO Glynn and the passenger as Sgt. Rosenthal.) PO Glynn told § 87(2)(b) to provide his license and mentioned to him that the tags on his motorcycle were improper. Over the phone, § 87(2)(b) admitted that his motorcycle had improper tags and that he was not wearing a helmet. § 87(2)(b) gave his license to PO Glynn. § 87(2)(b) identified himself to PO Glynn as the person who was in charge of the school. PO Glynn told § 87(2)(b) to provide the paperwork for the motorcycles and he told § 87(2)(b) that he was going to be ticketed for the motorcycles. § 87(2)(b) could not recall the exact statement that PO Glynn said to § 87(2)(b) only that he was going to be ticketed for something to do with the motorcycles.

The officers left and returned to the site of where § 87(2)(b) and the students were stopped. § 87(2)(b) watched the officers interacting with § 87(2)(b) for a short while from the school. § 87(2)(b) observed § 87(2)(b) get placed in handcuffs. § 87(2)(b) decided he did not want to be arrested so he fled on foot. § 87(2)(b) tried to call him a few times but he did not answer.

**Witness:** § 87(2)(b)

- § 87(2)(b) is a Hispanic man. The rest of his pedigree information was not obtained because he was not interviewed in-person. § 87(2)(b)

**CCRB Statement**

The investigator called § 87(2)(b) and spoke with the head of security, § 87(2)(b), on Nov. 18, 2013. He identified the security guard working at the time of incident as § 87(2)(b). § 87(2)(b) provided a phone statement on Dec. 6, 2013 (encl. 14).

On Sept. 29, 2013, at about 10 a.m., § 87(2)(b) was in the lobby of § 87(2)(b), and he was about to start his security guard shift when a police officer knocked on the door of the factory. § 87(2)(b) was with another security guard, § 87(2)(b). § 87(2)(b) did not know § 87(2)(b) last name. § 87(2)(b) opened the door and a uniformed officer whom he described as a white man with a mustache, in his 30s, with combed back brown hair was at the door. § 87(2)(b). The officer asked the security guards for the building's address and then walked away. Prior to the officer knocking on the door, § 87(2)(b) did not know that the police were outside, and he assumed § 87(2)(b) was not aware of it either. § 87(2)(b) and § 87(2)(b) watched the scene for a moment. § 87(2)(b) saw a motorcycle student, an instructor, and about six officers and three police cars, one marked and two unmarked, and they were in front of the building. § 87(2)(b) could not describe any officers except for the one who knocked on the factory's door. He knew the one person was a student because he was wearing a vest that said so, and he knew that the other person was an instructor because he regularly sees him in the area working at § 87(2)(b). § 87(2)(b) described the instructor as a white man in his 30s with glasses and a pony tail. § 87(2)(b) thought the officers were just talking to the student and the instructor. He could not hear their conversation. He stopped watching and walked away. He did not know if anyone was summonsed or arrested.

**Attempts to Contact Civilians**

- The undersigned investigator mailed § 87(2)(b) two please-call letters, one on Nov. 14, 2013, and the other on Nov. 26, 2013. The investigator called § 87(2)(b) five times between Nov.

14, 2013, and Dec. 3, 2013. On each of the calls, except for one, § 87(2)(b) did not answer. When he answered, on Nov. 18, 2013, he said he did not have time to talk. The investigator was unable to reach § 87(2)(b) again.

- On Nov. 18, 2013, the investigator spoke with § 87(2)(b), the head of security at § 87(2)(b). He said that that the factory had no security cameras.

#### **NYPD Statements:**

##### **Subject Officer: SERGEANT JOEL ROSENTHAL**

- *Sgt. Rosenthal, a white man, 5'11" tall, 290 pounds, with black hair and brown eyes, was § 87(2)(b) years old at the time of the incident.*
- *On Sept. 29, 2013, Sgt. Rosenthal was assigned to a motorcycle enforcement operation in the 114<sup>th</sup> Precinct. He was dressed in uniform, and he worked from 6:55 a.m. until 3:52 p.m. He partnered with PO Gigante and PO Glynn. They worked in unmarked vehicle number § 87(2)(b).*

##### **Memo Book**

At 10:07 a.m., Sgt. Rosenthal conducted a motorcycle stop at § 87(2)(b) and § 87(2)(b) for two helmet violations. At 11:15 a.m., he stopped a motorcycle in front of § 87(2)(b) for a helmet and light violation. At 11:21 a.m., PO Glynn placed one person under arrest for § 87(2)(b). Officers in RMP § 87(2)(b) transported the arrestee. At 11:30 a.m., one male was stopped in front of § 87(2)(b). Sgt. Rosenthal wrote, "Permit unlicensed operation of a motorcycle (manager of § 87(2)(b))." At 11:56 a.m., three summonses were issued by PO Gigante for violations at § 87(2)(b) and § 87(2)(b) and one summons was issued by PO Gigante for a violation at § 87(2)(b) (encl. 15).

##### **CCRB Statement**

Sgt. Rosenthal was interviewed at the CCRB on Jan. 29, 2014 (encl. 16).

On Sept. 29, 2013, at about 9 a.m., Sgt. Rosenthal and his partners were driving around the 114<sup>th</sup> Precinct looking for motorcycle-related infractions, as that was their assignment.

Sgt. Rosenthal rode in the front passenger seat, PO Glynn drove the vehicle, and PO Gigante rode in the back. As the officers were driving on § 87(2)(b), they saw two motorcyclists (identified by this investigation as § 87(2)(b) and § 87(2)(b) riding around on § 87(2)(b) a dead-end street that is perpendicular to § 87(2)(b). Sgt. Rosenthal did not observe anything on the motorcyclists' clothing to indicate they were students learning how to ride. Sgt. Rosenthal could not recall if the motorcyclists were wearing orange vests. There was not a third motorcyclist around to indicate that § 87(2)(b) and § 87(2)(b) were being instructed. Sgt. Rosenthal observed § 87(2)(b) and § 87(2)(b) making figure eights on the street.

At this time, Sgt. Rosenthal was concerned that § 87(2)(b) and § 87(2)(b) were practicing stunts to later perform on a public road. Sgt. Rosenthal, however, did not observe § 87(2)(b) and § 87(2)(b) perform any stunts. The officers drove away.

About an hour later, at 10:07 a.m., based on the time in Sgt. Rosenthal's memo book, the officers again drove by § 87(2)(b) and observed § 87(2)(b) and § 87(2)(b) doing the same thing – making figure eights on the dead-end street. Sgt. Rosenthal was still concerned that § 87(2)(b) and § 87(2)(b) were practicing stunts, though he did not observe them perform any stunts. The officers decided to ask § 87(2)(b) and § 87(2)(b) what they were doing.

The officers pulled up beside them, and § 87(2)(b) and § 87(2)(b) were close by one another so the officers did not have to call out to either of them. Once the officers got close to them, Sgt. Rosenthal realized that their motorcycles were deficient in safety equipment and that the gear they were wearing was not up to safety standards. Sgt. Rosenthal could not attribute specific safety equipment deficiencies to a specific person but he recalled that one of them did not have goggles, that their helmets had safety violations, and that one of their motorcycles was

missing a light. Sgt. Rosenthal stated that the motorcycles had more deficiencies than those just mentioned but he could not recall each of them.

One or more of the officers asked § 87(2)(b) and § 87(2)(b) what they were doing, and § 87(2)(b) and § 87(2)(b) said they were students learning how to ride. Sgt. Rosenthal was aware that there was a motorcycle school – the § 87(2)(b) – roughly two blocks away. One or more of the officers asked the students where their instructor was, and Sgt. Rosenthal recalled that one of them said he was at the school. At this time, no instructor was anywhere to be seen. PO Glynn may have been one of the officers who spoke to the students but Sgt. Rosenthal was not sure. Sgt. Rosenthal did not hear PO Glynn raise his voice or yell at § 87(2)(b) and he did not curse at him, particularly by inquiring about the presence of a supervisor.

At the CCRB, Sgt. Rosenthal stated that the students were guilty of the above-mentioned equipment violations, as well as riding without a licensed instructor present, and not maintaining a lane of traffic because they had been making figure eights.

Sgt. Rosenthal could not recall if the officers exited the vehicle when they were talking to the students, which lasted for anywhere from two to ten minutes. He thought they did not exit until an instructor had arrived on a motorcycle, which was at about this point. Sgt. Rosenthal recalled that the supervisor was § 87(2)(b). As § 87(2)(b) was approaching, Sgt. Rosenthal observed that his helmet did not have a face shield and that he had on a “replica” helmet that was not up to legal safety standards. § 87(2)(b) identified himself as the instructor. Sgt. Rosenthal described § 87(2)(b) as compliant, and the officers informed him about the problem of students riding without an instructor close by and of the motorcycles’ equipment deficiencies. The officers asked § 87(2)(b) for his identification and he provided it. One of the officers performed a computer check on § 87(2)(b)’s license and it was determined that his license was suspended so he was arrested.

At about this point, a fourth motorcyclist, whose name Sgt. Rosenthal later learned was § 87(2)(b), drove onto § 87(2)(b). § 87(2)(b) made an abrupt stop, observed the officers and the students, and then quickly drove away heading toward the school. § 87(2)(b)’s actions piqued Sgt. Rosenthal’s curiosity. He thought § 87(2)(b) was affiliated with the students and that his motorcycle may have been unlicensed and unregistered. Sgt. Rosenthal described § 87(2)(b)’s actions as evasive. Furthermore, § 87(2)(b)’s driving constituted traffic violations of an unsafe start, making an improper turn, and speeding.

Sgt. Rosenthal decided to stop § 87(2)(b). Either PO Gigante or PO Glynn drove him to the school, and either PO Gigante or PO Glynn stayed with § 87(2)(b) and the students. Sgt. Rosenthal’s intention at this point was to find out why § 87(2)(b) had driven away evasively.

The officers pulled into a driveway at the school. Sgt. Rosenthal and the officer he was with exited the vehicle and stood in the driveway. They never entered the school. § 87(2)(b) was at the school and he and another person approached the officers. Sgt. Rosenthal could not recall who the other person was or what he looked like. He did not recall if it was § 87(2)(b). (At the CCRB, Sgt. Rosenthal viewed a color photograph of § 87(2)(b) and did not recognize him.) The officers asked § 87(2)(b) if the motorcycle he had been riding on was registered and told him to provide his identification. § 87(2)(b) stated that the motorcycle was not registered or insured, and he provided his license. While interacting with § 87(2)(b), Sgt. Rosenthal observed that the motorcycle he had been on did not have license plates. Because Sgt. Rosenthal “could not be in two places at once” and was aware that § 87(2)(b) was going to be placed under arrest and that § 87(2)(b) possibly would be also, he requested an additional set of officers. He could not recall if he requested the officers to the school or to § 87(2)(b). Sgt. Rosenthal and the officer he was with told § 87(2)(b) to stay at the school because they were going to return to § 87(2)(b) but they would be back to deal with him. The officers drove back to § 87(2)(b) with § 87(2)(b) license.

While at the school, Sgt. Rosenthal denied that either he or the officer he was with told

anyone to present the insurance and registration for each motorcycle that belonged to the school. He denied that either he or the officer he was with threatened to impound each motorcycle if the paperwork was not presented. Sgt. Rosenthal stated that he did not return to § 87(2)(b) with anything other than § 87(2)(b) license.

When the officers returned to § 87(2)(b) by way of an empty parking lot, Sgt. Rosenthal observed § 87(2)(b) get on a different motorcycle at the school and drive away.

Sgt. Rosenthal instructed PO Glynn to place § 87(2)(b) under arrest for having a suspended license. At about this point, another man arrived at § 87(2)(b). He identified himself to the officers as the manager of the school. Sgt. Rosenthal could not recall if this man was § 87(2)(b) § 87(2)(g) and Sgt. Rosenthal approached each other, and Sgt. Rosenthal planned to tell § 87(2)(b) what was happening and who was going to be arrested and summonsed. § 87(2)(b) though, was difficult and talked over Sgt. Rosenthal. Sgt. Rosenthal could not recall § 87(2)(b)'s exact words, partly because § 87(2)(b) was talking over him. In response, Sgt. Rosenthal tried to deescalate the situation, and he spoke to § 87(2)(b) in a slower and clearer tone-of-voice. § 87(2)(b) then calmed down, and Sgt. Rosenthal explained to him that since he identified himself as the manager he was responsible for the students' actions.

Sgt. Rosenthal denied arguing with § 87(2)(b) or raising his voice at him. At first in the interview, Sgt. Rosenthal said he did not remember if he cursed at § 87(2)(b) but when asked again later in the interview, he denied ever cursing at § 87(2)(b). He denied telling him or anyone else to bring back § 87(2)(b). At the CCRB, Sgt. Rosenthal's legal counsel asked Sgt. Rosenthal if at this point he had any concern for § 87(2)(b) and Sgt. Rosenthal said no. Sgt. Rosenthal denied taking any steps to try and bring § 87(2)(b) back to the scene. He did not tell § 87(2)(b) to call him. Sgt. Rosenthal denied threatening to arrest everyone there or to impound all the motorcycles if § 87(2)(b) did not bring back § 87(2)(b).

§ 87(2)(b) calmed down. Another man then arrived on scene identified himself as the owner of the school § 87(2)(b). Sgt. Rosenthal explained the situation to § 87(2)(b) and he was cooperative and apologetic. Upon request, § 87(2)(b) gave Sgt. Rosenthal § 87(2)(b) biographical information so that Sgt. Rosenthal could write a complaint report about § 87(2)(b) and he could be arrested at a later date. More officers arrived on scene. Sgt. Rosenthal could not recall who those officers were. One of the additional officers who arrived was a licensed motorcycle driver. Sgt. Rosenthal instructed him to go to the school, pick up the motorcycle that § 87(2)(b) was originally on, and take that motorcycle to the 114<sup>th</sup> Precinct stationhouse, which the officer did. Sgt. Rosenthal could not recall who that officer was. Sgt. Rosenthal stated that the motorcycle was taken to the stationhouse because it was used in a crime and to determine the rightful owner.

PO Glynn accepted the arrest of § 87(2)(b). PO Gigante wrote summonses to the students, and PO Gigante wrote § 87(2)(b) a summons because he was the person who was responsible for allowing the students to learn on a public street in the absence of a licensed instructor.

Once back at the stationhouse, Sgt. Rosenthal had no further involvement with the motorcycle that was seized, so he did not know if § 87(2)(b) ever collected it.

**Subject Officer: PO JOHN GLYNN**

- *PO Glynn, a white man, 5'10" tall, 220 pounds, with blonde hair and blue eyes, was § 87(2)(b) old at the time of the incident.*
- *On Sept. 29, 2013, he was assigned to motorcycle enforcement detail in the 114<sup>th</sup> Precinct, which was called Anticipation of Hollywood Stunts. He was dressed in uniform. He worked from 7 a.m. to 3:35 p.m. He partnered with PO Gigante and Sgt. Rosenthal. They worked in an unmarked, black Ford Crown Victoria, vehicle number § 87(2)(b).*

### **Memo Book**

At 10:38 a.m., he conducted a vehicle stop of a 2009 Yamaha motorcycle, which was operated by § 87(2)(b). § 87(2)(b) was operating the motorcycle without a face shield or goggles. § 87(2)(b) was placed under arrest at 11:21 a.m. for § 87(2)(b). At 11:40 a.m., PO Glynn returned to the 114th Precinct stationhouse. At 1:30 p.m., § 87(2)(b) was released with a DAT (encl. 17).

### **On-Line Booking Sheet for § 87(2)(b)**

§ 87(2)(b) was arrested on Sept. 29, 2013, at 11:21 a.m. at the northeast corner of § 87(2)(b) and § 87(2)(b) by PO Glynn. § 87(2)(b) was charged with § 87(2)(b).  
§ 87(2)(b). The narrative states that § 87(2)(b) was observed driving a 2009 red Yamaha motorcycle, traveling north on § 87(2)(b) by § 87(2)(b). § 87(2)(b) did not have a face shield or DOT-approved goggles. § 87(2)(b) was stopped and it was determined he did not have a red reflector by the rear plate and that he had a suspended license (encl. 18).

### **CCRB Statement**

PO Glynn was interviewed at the CCRB on Jan. 10, 2014 (encl. 19).

On Sept. 29, 2013, at about 10 a.m., PO Glynn and his partners, PO Gigante and Sgt. Rosenthal, were on patrol in the vicinity of § 87(2)(b) and § 87(2)(b). PO Gigante and his partners had driven on § 87(2)(b) several times over the course of about 45 minutes and observed three motorcyclists riding around on § 87(2)(b). During the observation, PO Glynn noticed that each motorcycle had equipment deficiencies. In particular, he recalled that each motorcycle did not have proper reflectors.

Following the observation, the officers decided to drive up to the motorcyclists and find out what they were doing. PO Glynn stated that the three motorcyclists were not stopped by the officers but that the officers just approached them. However, he admitted that before going up to them they had committed traffic violations and that after being approached the officers observed that the bikes had additional equipment deficiencies.

The motorcyclists were stopped together, rather than separately. After the motorcyclists were stopped, PO Glynn asked them what they were doing, and they told him that they were students learning how to ride motorcycles. The officers waited with the students for a while to see if an instructor arrived but one did not. There was no argument between the students and the officers. None of the three motorcyclists stated that they were an instructor. PO Glynn could not recall who was who among the motorcyclists, except for the person he ultimately arrested, § 87(2)(b). He did not know who § 87(2)(b) and § 87(2)(b) were. He did not recognize them in photographs, and upon viewing § 87(2)(b)'s photograph he stated that he was probably one of the instructors. PO Glynn was informed that § 87(2)(b) was the manager of the school, and PO Glynn said he did not know that.

PO Glynn stated that his conversation with the motorcyclists after stopping them was "casual" and that he did not curse at any of them or raise his voice, particularly § 87(2)(b). PO Gigante also did not raise his voice or argue with any of the motorcyclists.

In his opening statement, PO Glynn did not mention that one of the motorcyclists had fled the scene. PO Glynn was asked if there was a motorcyclist who did that, and he responded, "I did not deal with that so I don't recall that," because, he said, he was focused on his arrest of § 87(2)(b). PO Glynn was asked a second time if he knew about a motorcyclist fleeing the scene, and he responded the same way, that he did not know about that because he was focused on § 87(2)(b). PO Glynn was told that upon sight of officers § 87(2)(b) fled from § 87(2)(b) that § 87(2)(b) was stopped at the school by officers, and that the officers then returned to § 87(2)(b) without him, at which point § 87(2)(b) fled. PO Glynn stated that he did not recall

something similar to that taking place.

While PO Glynn was interacting with the students, § 87(2)(b) arrived at § 87(2)(b) and identified himself as an instructor. His license was checked and the officers learned he had a suspended license. One or more instructors also arrived at § 87(2)(b). The students and § 87(2)(b) stayed with PO Gigante and Sgt. Rosenthal. PO Glynn, meanwhile, walked behind one of the instructors to the school to obtain the registrations for the motorcycles that the students and § 87(2)(b) had been riding. PO Glynn maintained he did not drive to the school. PO Glynn waited on the sidewalk while the unidentified instructor went inside. While at the school, PO Glynn denied threatening to impound all the motorcycles.

PO Glynn stated that he was at the school for a very brief period of time. Sgt. Rosenthal called him while he was there and told him to come back to § 87(2)(b) which he did. PO Glynn returned to § 87(2)(b) without having collected any paperwork from the school or § 87(2)(b) license. When he returned to § 87(2)(b) another police car was on scene. PO Glynn could not recall who those officers were. He stated that Officers Ralph Rezza and Kimberly Washington never arrived to this incident. Sgt. Rosenthal instructed PO Glynn to arrest § 87(2)(b) for § 87(2)(b), and he did. Per procedure, the motorcycle that § 87(2)(b) had been riding was impounded. PO Glynn did not recall which officer rode the motorcycle to the stationhouse. PO Glynn returned to the 114<sup>th</sup> Precinct stationhouse.

While at § 87(2)(b) PO Glynn did not hear Sgt. Rosenthal raise his voice or argue with any motorcyclist. He did not recall hearing Sgt. Rosenthal threaten to arrest all of the students if § 87(2)(b) was not called back, he did not recall hearing Sgt. Rosenthal curse at § 87(2)(b) and he did not recall hearing Sgt. Rosenthal threaten to impound all the motorcycles if § 87(2)(b) was not brought back. PO Glynn stated that no officer yelled at a motorcyclist because “there was no need to.” PO Glynn did not observe Sgt. Rosenthal take any steps to bring back § 87(2)(b).

**Witness Officer: PO NICHOLAS GIGANTE**

- *PO Gigante, a white man, 240 pounds, 5’10” tall, with brown hair and blue eyes, was § 87(2)(b) years old at the time of the incident.*
- *On Sept. 29, 2013, he worked from 7 a.m. to 6:15 p.m. He and his partners were assigned to a motorcycle enforcement operation in the 114<sup>th</sup> Precinct. He partnered with PO Glynn and Sgt. Rosenthal. They worked in an unmarked car, number § 87(2)(b).*

**Memo Book**

At 10:30 a.m., PO Gigante observed a 2007 gray motorcycle in front of § 87(2)(b) and § 87(2)(b) and the operator was not wearing goggles. The defendant was determined to be § 87(2)(b). § 87(2)(b) was also with another person, § 87(2)(b) who was operating a 2009 blue Kawasaki without goggles. § 87(2)(b) and § 87(2)(b) were operating the motorcycles without a licensed operator within four blocks. § 87(2)(b) arrived and stated that he was teaching § 87(2)(b) and § 87(2)(b) to ride, but § 87(2)(b) was not around earlier. PO Gigante issued § 87(2)(b) two summonses, § 87(2)(b) and he issued § 87(2)(b) a summons for § 87(2)(b) (encl. 20).

**Vehicle and Traffic Law Summonses**

PO Gigante issued each of the summonses at 10:30 a.m. on Sept. 29, 2013, for violations at § 87(2)(b) and § 87(2)(b) and the charges on the summonses were consistent with what he wrote in his memo book (encl. 21).

**Property Invoice for a 2006 Blue Kawasaki Motorcycle**

PO Glynn vouchered the motorcycle and categorized it as “safekeeping” because there was no arrest made in conjunction with the seizure (encl. 22).

### **CCRB Statement**

PO Gigante was interviewed at the CCRB on Jan. 8, 2014 (encl. 23).

On Sept. 29, 2013, at about 10:30 a.m., PO Gigante and his partners, PO Glynn and Sgt. Rosenthal, were conducting a motorcycle enforcement operation. There was a city-wide motorcycle event happening that day, but PO Gigante did not know the details or name of the event. PO Gigante rode in the middle back seat of the police car, and he had a clear view through the front of the vehicle. Sgt. Rosenthal rode in the front passenger seat, and PO Glynn drove.

While driving on § 87(2)(b), by § 87(2)(b) PO Gigante observed three people riding on motorcycles. The motorcyclists were swerving, crossing double yellow lines, and not maintaining a steady lane of traffic. PO Gigante ultimately learned that the motorcyclists were § 87(2)(b) and § 87(2)(b). One of the motorcyclists – either § 87(2)(b) or § 87(2)(b) – was riding without goggles. The officers stopped the three motorcyclists, and shortly thereafter, they observed a fourth motorcyclist (identified by this investigation as § 87(2)(b)) ride by the site of the stop of the other motorcyclists and commit a traffic violation. PO Gigante could no longer recall what traffic violation § 87(2)(b) had committed.

PO Glynn and Sgt. Rosenthal drove after § 87(2)(b) and PO Gigante stayed with the motorcyclists. PO Gigante did not know where his partners went. He did not know if they went to § 87(2)(b). However, about five minutes later, PO Glynn and Sgt. Rosenthal returned with § 87(2)(b) identification information. PO Gigante did not know if his partners obtained § 87(2)(b) actual license or his license information. Following a computer check, the officers learned § 87(2)(b) license was suspended.

In the time that his partners were gone, PO Gigante had a calm conversation with the three motorcyclists. He asked them what they were doing and what “their purpose was.” PO Gigante learned they were motorcycle students. At that time, as far as PO Gigante could recall, the motorcyclists did not state who was supervising them. PO Gigante did not collect their identifications, but that was done once PO Glynn and Sgt. Rosenthal returned. PO Gigante could not recall which officer collected the licenses.

When PO Glynn returned, he spoke with the motorcyclists calmly about what they were doing. PO Gigante did not hear PO Glynn curse at any of the motorcyclists.

§ 87(2)(b) did not return to the site of the stop. Presumably he was supposed to, because after the incident, PO Glynn and his partners went to the school to arrest him for his suspended license and they spoke with a secretary who told them that § 87(2)(b) had left and that he was not coming back. Sgt. Rosenthal asked her to call § 87(2)(b). Otherwise, to PO Gigante’s knowledge, Sgt. Rosenthal did not take any other steps to get § 87(2)(b) to return.

Before going back to the school, PO Gigante issued summonses to § 87(2)(b) and § 87(2)(b). It was determined that § 87(2)(b) had a suspended license, so he was placed under arrest. At some point while interacting with the first three motorcyclists, § 87(2)(b) arrived. PO Gigante did not know where he had come from. § 87(2)(b) identified himself as the supervisor of the motorcyclists. PO Gigante issued him a summons because the students had been riding motorcycles without a licensed supervisor present.

PO Gigante did not hear Sgt. Rosenthal speak with § 87(2)(b) about bringing back § 87(2)(b). PO Gigante did not hear Sgt. Rosenthal curse at § 87(2)(b) he did not hear him tell § 87(2)(b) that he would arrest everyone if he did not bring back § 87(2)(b) and he did not hear him threaten to ticket § 87(2)(b) or to impound all the motorcycles.

The motorcycle that § 87(2)(b) had been riding was impounded, which was done to PO Gigante’s knowledge, because it was not registered properly. PO Gigante could not recall if

additional officers arrived to the site of the stop.

### **NYPD Documents**

#### **Event Chronology Report Number D13092908265 and 911 Communications CD**

According to the 911 Communications CD, at 10:13 a.m., officers in RMP § 87(2)(b) from the 114th Precinct reported they had stopped motorcyclists at § 87(2)(b) and § 87(2)(b). The dispatcher marked the assignment as a possible crime involving a vehicle outside. At 11:31 a.m., the officers reported they were still at the location. At 11:56 a.m., the final disposition was marked as 10-96, which means, “summons served.” (The report does not indicate whether additional units responded.) (encl. 24A). The Event Chronology Report was consistent with the CD (encl. 24E).

#### **114th Precinct Command Log**

§ 87(2)(b) was logged in at 11:50 a.m. PO Glynn was the arresting officer, and Sgt. Rosenthal approved the arrest. § 87(2)(b) was in an “apparently normal” physical and mental condition. He was charged with § 87(2)(b). He was released with DAT number § 87(2)(b) at 1:40 p.m. (encl. 25).

#### **114th Precinct Roll Calls**

Neither the tour 1 nor the tour 2 roll call for Sept. 29, 2013, listed PO Glynn or Sgt. Rosenthal. PO Gigante is listed on the tour 1 roll call and he was assigned to Anti-Crime but not with PO Glynn or Sgt. Rosenthal.

PO Rezza and PO Washington were assigned to vehicle number § 87(2)(b) during tour 1 (encl. 26).

### **Summons and Arrest Dispositions for the Incident**

- On Feb. 25, 2014, the undersigned investigator mailed a summons disposition request to the DMV for the summonses that were issued to § 87(2)(b) and § 87(2)(b). As of May 8, 2014, the DMV had not filled the request. When the DMV fills the request, the dispositions will be added to the case file (encl. 30K).
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- As of March 4, 2014, the civilians had not filed a Notice of Claim with the City of New York, which is past the 90-day expiration date to have done so (encl. 27).

### **Civilians’ Criminal Histories**

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilians’ CCRB Histories**

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 3A-3D).

### **Subject Officers’ CCRB Histories**



- \_\_\_\_\_

### Allegations Not Pleaded

[illegible]

\_\_\_\_\_

\_\_\_\_\_

**Investigative Findings and Recommendations**  
**Allegation A – Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, PO John Glynn spoke rudely to § 87(2)(b)**

§ 87(2)(b) stated that when he rode up to where § 87(2)(b) and § 87(2)(b) were stopped, PO Glynn approached him, and they stood about 15 feet away from § 87(2)(b) and § 87(2)(b). At that time, § 87(2)(b) alleged PO Glynn inquired about where the supervisor was and § 87(2)(b) pointed at § 87(2)(b) and then PO Glynn told him, “Don’t fucking tell me that because he was nowhere near you. He could not fucking see you.” In the interview, § 87(2)(b) repeated PO Glynn’s statement as, “Don’t fucking tell me that. That guy wasn’t anywhere fucking near you. He was all the way off to the side. He could not have fucking seen you from where he was.” In his phone statement, § 87(2)(b) alleged PO Glynn said, “What the fuck are you doing?,” and, “Don’t fucking tell me that. He couldn’t even fucking see you where you were.”

§ 87(2)(b) did not cooperate with the investigation and § 87(2)(b) did not repeat § 87(2)(b) s allegation. § 87(2)(g)

PO Glynn denied cursing at anyone and said there was no need to. PO Gigante and Sgt. Rosenthal denied hearing PO Glynn curse at anyone.

§ 87(2)(g)

**Allegation B – Abuse of Authority: At § 87(2)(b) in Queens, PO John Glynn threatened to seize § 87(2)(b) s property.**

§ 87(2)(b) consistently alleged that when PO Glynn arrived at Ferrari Driving School, PO Glynn told him to provide the registration and proof of insurance for every motorcycle that belonged to the school otherwise he would impound them.

§ 87(2)(b) alleged that PO Glynn told § 87(2)(b) to provide the paperwork for each motorcycle or he would ticket him for each motorcycle. § 87(2)(b) specified that he could not recall PO Glynn’s exact words.

PO Glynn denied threatening to impound the motorcycles and said the only time he went to the school was when he walked there without another officer.

§ 87(2)(g)

§ 87(2)(b). Sgt. Rosenthal, however, denied that PO Glynn threatened to impound the motorcycles.

§ 87(2)(g)

NYPD Patrol Guide Section 218-19 states that officers can seize a vehicle if the vehicle is arrest evidence, investigatory evidence, a forfeiture, a decedent’s property, a peddler’s property, found property, to be kept in safety, or to determine the vehicle’s true owner (encl. 1A-1E).

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel Rosenthal spoke rudely to § 87(2)(b)**

After § 87(2)(b) fled, § 87(2)(b) alleged that Sgt. Rosenthal approached him and took out his frustration of § 87(2)(b) departure on him.

§ 87(2)(b) alleged in his interview statement that Sgt. Rosenthal told him, “I don’t give a fuck who you think you are or who you know. I’m going to arrest you and all of your students if you don’t bring me § 87(2)(b) back.” In the interview, § 87(2)(b) repeated the statement as, “I don’t give a fuck who you think you are or who you know. I’m going to arrest you and your students if you don’t bring back § 87(2)(b) in five minutes.” In his telephone statement, § 87(2)(b) reported Sgt. Rosenthal’s statement as, “I don’t give a fuck who you are. I’m gonna lock you all up if you don’t bring me § 87(2)(b) in five minutes.” In his email statement, § 87(2)(b) reported Sgt. Rosenthal’s statement as, “I don’t care who the fuck you think you are, I’m gonna lock [up] you and your students and [your] coworker if you don’t bring me § 87(2)(b) in five minutes.”

§ 87(2)(b) and § 87(2)(b) corroborated the nature of § 87(2)(b)’s allegation but not Sgt. Rosenthal’s exact statement.

§ 87(2)(b) alleged that Sgt. Rosenthal, after learning of § 87(2)(b) departure, told § 87(2)(b) “If you don’t bring that guy over here I’m going to fucking arrest everybody. I’m going to take all the bikes away.”

§ 87(2)(b) alleged in his interview statement that Sgt. Rosenthal, after learning of § 87(2)(b) departure, told § 87(2)(b) “Where the fuck is so and so § 87(2)(b) Get him here right now. If he is not here in the next five fucking minutes I’m hauling all their asses to jail.” § 87(2)(b) repeated the allegation in the interview as, “Where the fuck is so and so? Get him here right now or I’m hauling all your fucking asses to jail.” In his phone statement, § 87(2)(b) alleged that Sgt. Rosenthal’s statement was, “Where the fuck is so and so? If he is not here in five minutes, I’m going to arrest all of you right now.” Over the phone, § 87(2)(b) repeated the statement as, “Where the fuck is so and so? He better get here in five minutes or I’m going to take all your asses to jail right fucking now.”

Without corroboration from § 87(2)(b) or § 87(2)(b) further alleged that § 87(2)(b) told Sgt. Rosenthal not to talk to him like that, and Sgt. Rosenthal responded, “Don’t tell me how to fucking talk to you.”

Sgt. Rosenthal at first in his interview said he did not recall cursing at § 87(2)(b). Then, he said that he did not curse at § 87(2)(b). Furthermore, he said he did not instruct § 87(2)(b) to call § 87(2)(b).

PO Gigante said he never heard Sgt. Rosenthal speaking to § 87(2)(b) and PO Glynn said he did not hear Sgt. Rosenthal raise his voice or curse at anyone.

§ 87(2)(g)

Patrol Guide Section 203-09 states that officers must speak to members of the public courteously and professionally (encl. 1F).

§ 87(2)(g)

**Allegation D – Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in Queens, Sgt. Joel**

**Rosenthal threatened to arrest** § 87(2)(b) **and** § 87(2)(b)

§ 87(2)(b) alleged in his interview statement that Sgt. Rosenthal told him, “I don’t give a fuck who you think you are or who you know. I’m going to arrest you and all of your students if you don’t bring me § 87(2)(b) back.” In the interview, § 87(2)(b) repeated the statement as, “I don’t give a fuck who you think you are or who you know. I’m going to arrest you and your students if you don’t bring back § 87(2)(b) in five minutes.” In his telephone statement, § 87(2)(b) reported Sgt. Rosenthal’s statement as, “I don’t give a fuck who you are. I’m gonna lock you all up if you don’t bring me § 87(2)(b) in five minutes.” In his email statement, § 87(2)(b) reported Sgt. Rosenthal’s statement as, “I don’t care who the fuck you think you are, I’m gonna lock [up] you and your students and [your] coworker if you don’t bring me § 87(2)(b) in five minutes.”

§ 87(2)(b) and § 87(2)(b) corroborated the nature of § 87(2)(b)’s threat-of-arrest allegation but not Sgt. Rosenthal’s exact statement.

§ 87(2)(b) alleged that Sgt. Rosenthal told § 87(2)(b) “If you don’t bring that guy over here I’m going to fucking arrest everybody. I’m going to take all the bikes away.”

§ 87(2)(b) alleged in his interview statement that Sgt. Rosenthal told § 87(2)(b) “Where the fuck is so and so § 87(2)(b) Get him here right now. If he is not here in the next five fucking minutes I’m hauling all their asses to jail.” § 87(2)(b) repeated the allegation in the interview as, “Where the fuck is so and so? Get him here right now or I’m hauling all your fucking asses to jail.” In his phone statement, § 87(2)(b) alleged that Sgt. Rosenthal’s statement was, “Where the fuck is so and so? If he is not here in five minutes, I’m going to arrest all of you right now.” Over the phone, § 87(2)(b) repeated the statement as, “Where the fuck is so and so? He better get here in five minutes or I’m going to take all your asses to jail right fucking now.”

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

New York Vehicle and Traffic Law indicates that sections 509-1 (riding a motorcycle without a licensed operator present) and 509-4 (permitting the unlicensed operation of motor vehicles) are

violations, and these violations are punishable by up to 15 days in jail (encl. 1G-1I).

§ 87(2)(g)

Team: 5

Investigator:	_____	<u>Daniel Casados</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date